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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/901,044      | 07/10/2001  | Takeshi Nishiuchi    | 010883              | 6430             |

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EXAMINER

MORGAN, EILEEN P

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/901,044

Applicant(s)  
Nishiuchi et al.

Examiner  
Morgan

Art Unit  
3723



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 17, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10 & 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 is unclear. The reference of the tangential line is not understood. What is "in the direction" of rotation mean? What does 'in the sectional shape' refer to? Claim 17 is unclear. Said 'partitioned accommodating sections' and 'said partitioned' sections lack antecedent basis since the claim is dependent on both claims 13 and 15. What does on a 'one-to-one' basis mean?

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-4,7-12,21, 23-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pletscher - 3,948,003.

Pletscher discloses the claimed dry surface treating apparatus having a tubular barrel having protrusions or being in the shape of a regular triangle for treating workpieces. Claims 23-26 do not further limit the apparatus of claim 1.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5,6,13-17, rejected under 35 U.S.C. 103(a) as being unpatentable over Pletscher, alone.

In regard to claims 5 & 6, Pletscher does not show the tubular barrel being in the shape of a square or rhombus. However, to change the shape of the barrel would have been obvious to one of ordinary skill in the art at time invention was made in order to accommodate differently shaped workpieces and to produce various machining effects.

In regard to claims 13-17, to have more than one compartment in the barrel would have been obvious at time invention was made to one of ordinary skill in the art in order to individually treat a variety of workpieces simultaneously.

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7. Claims 18-20,27 rejected under 35 U.S.C. 103(a) as being unpatentable over Pletscher in view of Steube - 4,116,161.

Pletscher does not show a mesh porous surface or a plurality of barrels about a rotational axis. However, Steube teaches a tumbling apparatus having a mesh porous peripheral surface and having a plurality of barrels spaced about a rotational axis. Therefore, to provide the barrel of Pletscher with a mesh porous surface, as taught by Steube, would have been obvious at time invention was made to one of ordinary skill in the art in order to filter out abraded debris from workpiece. In addition, to have a plurality of rotating barrels, as taught by Steube, would have been obvious at time invention was made to one of ordinary skill in the art in order to more efficiently abrade a larger number of workpieces.

8. Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Pletscher in view of Kanouse - 5,782,677.

Pletscher does not disclose the barrel used as a blasting chamber. However, Kanouse teaches an apparatus having a tubular barrel for blast treating workpieces. Therefore, it would have been obvious at time invention was made to one of ordinary skill in the art to provide the apparatus of Pletscher with a blasting nozzle, as taught by Kanouse, in order to more thoroughly abrade workpieces.

***Response to Arguments***

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9. Applicant's arguments filed 6-17-02 have been fully considered but they are not persuasive.

In regard to claim 1, Pletscher does show a barrel having a porous peripheral surface (3) made of rubber, plastic or wood, which is a porous material. In regard to claims 5,6,13-17, the shape of the barrel would be an obvious design choice since any polygonal shape would appear to perform equally and the different shapes could produce various effects. In regard to claims 13-17, to have more than one compartment would be obvious to provide different abrading actions simultaneously. In regard to the mesh surface, Steube teaches this type of surface and it would have been an obvious variation. A mesh surface indicates openings. The size of the openings are not an issue with regard to the claims, and therefore, the particles of Pletscher would not necessarily be 'uncontained' if modified.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to E. Morgan whose telephone number is (703) 308-1743.



EILEEN P. MORGAN  
PRIMARY EXAMINER

EM

August 26, 2002